



January 26, 2005

## HOUSE BILL No. 1059

DIGEST OF HB 1059 (Updated January 25, 2005 11:18 am - DI 69)

**Citations Affected:** IC 13-22.

**Synopsis:** Chemical munitions disposal and transport. Provides that a hazardous waste facility that generates or treats certain hazardous wastes associated with chemical munitions must demonstrate that the wastes will be destroyed or treated to certain standards or levels. Requires the department of environmental management to implement an inspection and oversight protocol to ensure enforcement. Requires a person proposing to transport chemical munitions or hazardous waste derived from chemical munitions to file with the department, the state police department, and the state emergency management agency a transport risk analysis and a transport safety plan, including an estimated shipment schedule.

**Effective:** Upon passage.

**Grubb, Thomas, Brown T**

January 4, 2005, read first time and referred to Committee on Environmental Affairs.  
January 25, 2005, amended, reported — Do Pass.

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January 26, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1059

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-22-3-10 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a)** In addition  
3 to any other requirements, ~~a permit may not be issued under this~~  
4 ~~chapter for the construction or operation of a hazardous waste facility~~  
5 ~~to be used for the destruction or treatment of a chemical munition~~  
6 ~~unless the person applying for the permit has demonstrated that~~  
7 ~~generates or treats a hazardous waste classified as I001 must~~  
8 ~~demonstrate~~ all of the following:

9 (1) That the destruction or treatment technology to be used at the  
10 proposed hazardous waste facility: ~~has been in operation:~~

11 ~~(A) at a facility comparable to the proposed hazardous waste~~  
12 ~~facility; and~~

13 ~~(B) for a time sufficient to demonstrate that (A) will destroy~~  
14 ~~or treat~~ ninety-nine and nine thousand nine hundred  
15 ninety-nine ten thousandths percent (99.9999%) of the  
16 chemical munition processed; ~~at the comparable facility has~~  
17 ~~been destroyed or treated; or~~

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**(B) will ensure that the waste has been treated in such a way that designated chemical munition constituents are treated to a specific level as approved by the commissioner.**

(2) That monitoring data from a ~~comparable~~ the hazardous waste facility demonstrates that there are no emissions from the ~~comparable~~ facility that alone or in combination with another substance present a risk of any of the following:

- (A) An acute or a chronic human health effect.
- (B) An adverse environmental effect.

(3) That a plan to:

(A) provide sufficient training, coordination, and equipment for state and local emergency response personnel needed to respond to possible releases of harmful substances from the proposed hazardous waste facility; and

(B) evacuate persons in the geographic area at risk from the worst possible release of:

- (i) the chemical munition; or
- (ii) a substance related to the destruction or treatment of the chemical munition;

from the proposed hazardous waste facility;  
has been funded and developed.

**(b) The department shall implement an inspection and oversight protocol for each hazardous waste facility described in subsection (a) to ensure that the requirements of this title are met.**

SECTION 2. IC 13-22-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) This section applies to a person that proposes to transport:**

- (1) a chemical munition referred to in 329 IAC 3.1-6-3, as in effect on January 1, 2005; or**
- (2) hazardous waste derived from the destruction or treatment of a chemical munition referred to in subdivision (1).**

**(b) In addition to any other requirements, before beginning a transport referred to in subsection (a), a person must file with the department, state police department, and state emergency management agency the following:**

- (1) A written transport risk analysis that:**
  - (A) accounts for the type and quantity of hazardous waste to be transported;**
  - (B) identifies each type of incident that could:**
    - (i) occur during the transport; and**

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- 1 (ii) result in harm to the public health or environment;  
 2 (C) assesses the likelihood of the occurrence of each type of  
 3 incident referred to in clause (B);  
 4 (D) identifies the magnitude of the potential harm to the  
 5 public health or environment associated with each type of  
 6 incident referred to in clause (B); and  
 7 (E) is written in a manner understandable to:  
 8 (i) the scientific community; and  
 9 (ii) the public.
- 10 (2) A written transport safety plan that:  
 11 (A) is tailored to the risks described in subdivision (1);  
 12 (B) demonstrates that the driver of each vehicle to be used  
 13 in the transport is appropriately trained and licensed;  
 14 (C) demonstrates for each part of the transport route that  
 15 appropriate procedures and facilities will be in place for  
 16 immediate:  
 17 (i) medical response;  
 18 (ii) environmental response;  
 19 (iii) security response; and  
 20 (iv) evacuation of the area; and  
 21 (D) provides for submitting notice to the department  
 22 before the first shipment of each particular chemical  
 23 munition or hazardous waste described in subsection (a) is  
 24 transported.
- 25 (d) A notice submitted under the transport safety plan provision  
 26 described in subsection (b)(2)(D) must include the estimated  
 27 shipment schedule for each chemical munition or hazardous waste  
 28 for the duration of the transport activity. A person who transports  
 29 a chemical munition or hazardous waste described in subsection (a)  
 30 shall immediately notify the department of any major variations  
 31 from the estimated shipment schedule provided under this  
 32 subsection.
- 33 SECTION 3. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1059, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "may not".

Page 1, line 5, strike "be used for the destruction or treatment of a chemical".

Page 1, line 6, strike "munition".

Page 1, delete line 7.

Page 1, line 8, delete "unless" and insert **"that generates or treats a hazardous waste classified as I001 must demonstrate"**.

Page 1, line 8, delete "have been demonstrated:" and insert ":".

Page 2, line 1, delete "chemical munition processed is".

Page 2, delete line 2.

Page 2, line 3, delete "analytical method" and insert **"waste has been treated in such a way that designated chemical munition constituents are treated to a specific level as"**.

Page 2, line 36, after "department" insert **", state police department, and state emergency management agency"**.

Page 3, line 12, after "licensed;" delete "and".

Page 3, line 19, delete "area." and insert **"area; and"**.

Page 3, between lines 19 and 20, begin a new line double block indented and insert:

**"(D) provides for submitting notice to the department before the first shipment of each particular chemical munition or hazardous waste described in subsection (a) is transported.**

**(d) A notice submitted under the transport safety plan provision described in subsection (b)(2)(D) must include the estimated shipment schedule for each chemical munition or hazardous waste for the duration of the transport activity. A person who transports a chemical munition or hazardous waste described in subsection (a) shall immediately notify the department of any major variations from the estimated shipment schedule provided under this subsection."**

and when so amended that said bill do pass.

(Reference is to HB 1059 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 12, nays 0.

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